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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,730	02/08/2001	Hong-Sam Kim	P56295	6891

7590 05/06/2004

EXAMINER
LIPMAN, JACOB

ART UNIT	PAPER NUMBER
2134	

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DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/778,730	KIM ET AL.	
	Examiner	Art Unit	
	Jacob Lipman	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 March 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3,4 and 7-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *19* is/are allowed.

6)☒ Claim(s) *1,3,4,7-9,13-18 and 20* is/are rejected.

7)☒ Claim(s) *10-12* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The specification corrections were received on March 23, 2004. These corrections are acceptable.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 8-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. With regard to claims 8 and 9, the term "wherein" or "further comprising" is lacking, and the connection the claim being depended on is left unclear.

5. Claim 10 recites the limitation "said remote control device" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

> only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 13-15, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Lord, 5,198,806, as outlined in the prior office action.

8. Claims 1, 4, 7, and 8, as best understood, are rejected under 35 U.S.C. 102(e) as being anticipated by Na, US Patent number 6,366,957.

With regard to Claims 1, 4, 7, and 8, Na discloses a method of operating a computer by remote controller (column 3 lines 1-5) including transmitting a first security code stored in the remote controller to the computer (column 3 lines 5-10), checking to see if the first security code matches a second security code stored in the computer (column 3 lines 10-13) and converting from a standby mode, which is also acting as a screen saver, to a normal mode when the security codes match (column 3 lines 13-18).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claims 3, 9 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Na.

With regard to claims 3 and 9, Na discloses the method of claim 1, as outlined above, but does not mention the network being wireless. The examiner takes official

notice that wireless networks are common. It would have been obvious to use a wireless network in Na's remote wake-up method for easy of setup.

With regard to claim 20, the wireless control is determined to be wireless as outlined above, and the wake-up signal is inherently sent when a button is pressed.

11. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mori, US Patent number 4,754,268, in view of Rathbone.

With regard to claim 16, Rathbone discloses a screen saver (page 167 paragraph 7), which will be revived if a signal from a mouse is received, but does not disclose the mouse is wireless, and only works if sent data matches corresponding data in the computer. Mori discloses a wireless mouse (column 1 lines 48-54) that sends a frequency that only operates computers with matching frequency (column 1 line 58-column 2 line 7). It would have been obvious to one of ordinary skill in the art to combine Mori's wireless mouse in Rathbone's description of Microsoft Windows 95, for Mori's stated motivation to make the mouse more convenient to use (column 1 lines 20-47).

With regard to claim 17, Mori discloses that a mouse controls a computer (column 2 line 66-column 3 line 4).

With regard to claim 18, Rathbone discloses that once out of screen saver, the user is prompted for a password (page 168 paragraph 3).

Allowable Subject Matter

12. Claim 19 is allowed.

The following is an examiner's statement of reasons for allowance: With regard to claim 19, Rathbone discloses a screen saver (page 167 paragraph 7), which will be revived if the keyboard "enter" button is pressed when the proper password has been typed, and only works if the sent password matches the corresponding password in the computer (page 168 paragraph 3). Rathbone does not, however, disclose storing the security code in the keyboard. This additional step is seen as unobvious to one of ordinary skill in the art.

Lord discloses a method for automatically verifying a security code (column 4 lines 53-62) in a computer by transmitting a second security code to the computer (column 5 lines 15-17), converting the computer state to normal from a power-off state if the codes match (column 5 line 7-17). Lord does not disclose converting the state from standby to normal with this remote control. This additional step is seen as unobvious to one of ordinary skill in the art.

Na discloses a method of operating a computer by remote controller (column 3 lines 1-5) including transmitting a first security code stored in the remote controller to the computer (column 3 lines 5-10), checking to see if the first security code matches a second security code stored in the computer (column 3 lines 10-13) and converting from a standby mode, which is also acting as a screen saver, to a normal mode when the security codes match (column 3 lines 13-18). Na does not disclose allowing only wireless devices to wake the computer.

13. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

14. Claims 8-12 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Response to Arguments

With regard to applicant's argument concerning the examiner's 112 rejection on claim 10, applicant argues that "said remote controller" is not confusing. The examiner respectfully disagrees. With regard to applicants concern that numerous corrections would be needed, thus making the claims awkward, the examiner suggests an amendment such as, "a remote control device, being one of said plurality of remote controllers", the first time the term "remote control device" is used.

With regard to applicant's argument that the examiner never examined claims 13-15, the examiner disagrees. Applicant has failed to point out, or give examples of the differences between applicant's invention and the cited prior art. The examiner outlined in item 15 of the prior office action how Lord anticipates claims 13-15. With regard to the claim that Lord does not teach a computer system, inherently having hardware, bios, OS, and application layers, the examiner directs applicant to column 1 lines 5-8, where Lord summarizes his invention.

With regard to Applicant's argument that Lord does not disclose going from a stand-by state, which is not a power-off state, to a normal state, the examiner agrees that the amended claim 1 makes this art moot, and the examiner traverses the rejection under Lord for claims 1-9.

With regard to applicant's claim that Rathbone does not disclose that moving a mouse with wake a computer from the screen saver, applicant points out that this is inherent and alluded to in paragraph 1 of page 168.

With regard to applicant's remarks that the examiner is trying to be vague and coy, the examiner would like to emphasize that he has no reason to be coy. The examiner just wishes to help ready the application to be in condition for allowance. If applicant is confused by any language that the examiner uses, please feel free to contact the examiner, as indicated in the conclusion of the prior office action. The examiner's reference to screen saver security is to emphasize motivation to combine, not to correspond to the claim's checking step.

With regard to applicants arguments that "the entire reference to Mori '268 never suggests any frequency matching security feature", The examiner points out column 2 lines 40-45. Applicant's arguments with regards to Mori are not persuasive.

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Lipman whose telephone number is 703-305-0716. The examiner can normally be reached on 7:00 - 4:00 (M-Th).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on 703-308-4789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JL

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